REMARKS

This Amendment is submitted prior to continued examination of the present application and in response to the Final Action mailed April 28, 2004 and the Advisory Action dated September 15, 2004. Claims 9-31 were pending in the application. In the Final Action, claims 9-31 were rejected. In this Amendment, claims 9, 11, 14, 17, 19, 21, 24, 25 and 27-31 have been amended. Claims 9-31 thus remain for consideration. Since these claims are submitted in conjunction with an RCE, the entry of this Amendment is respectfully requested.

Applicant submits that claims 9-31 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 9-12, 27 and 28 were rejected under 35 U.S.C. 102(e) as being anticipated by Matsuzaki et al. (U.S. Patent No. 6,289,314).

Claims 13-18 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al.

Claims 19-24, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al. in view of Christiano (U.S. Patent No. 5,671,412).

Claims 25 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al. in view of Christiano and further in view of Shimakawa et al. (U.S. Patent No. 6,502,124).

Applicant respectfully submits that the independent claims (claims 9, 11, 14, 17, 19, 21, 24, 25 and 27-31) are patentable over Matsuzaki, Christiano and Shimakawa.

Applicant's invention as recited in the independent claims is directed toward two information processing apparatuses that transfer information to each other. Each of the claims recites "both information processing apparatuses located in close proximity to each other and owned by the same user." Supporting disclosure can be found throughout the specification, and particularly, on page 70, line 16 to page 78, line 16.

The instant invention is directed to a first information processing apparatus that is capable of transferring encrypted information to a second information processing apparatus, both information processing apparatuses owned by the same user. None of the references relied upon by the Final Office Action, however, provide for transferring encrypted information from a first to a second information processing apparatus, both owned by the same user, based on ID information stored in the second information processing apparatus, as instantly claimed.

Matsuzaki discloses a server that distributes, for example, music data, to a plurality of receiving equipment or information processing apparatuses owned by a plurality of users. Therefore, one piece of information is simultaneously sent to a group of users or to a group of information processing apparatuses owned by different users.

In the Advisory Action of September 15, 2004, the Examiner stated, "there is nothing in Matsuzaki et al. that suggests the terminals are specifically owned by different owners." Applicant respectfully disagrees. Lines 33-36 of column 13 and lines 44-49 of column 14 indicate that a terminal is provided for each household of a condominium. As a result, this implies that the terminals are owned by different users.

In contrast, in the present invention, a server distributes, for example, music data, to one information processing apparatus owned by one user. The user, in turn, is permitted to transfer

such music data distributed by the server and downloaded to the user's first information processing apparatus to a second information processing apparatus owned by the same user.

In addition, Christiano and Shimakawa do not remedy the inherent deficiencies of Matsuzaki. Neither Christiano, nor Shimakawa disclose transferring information from a first to a second information processing apparatus by a user.

Since, Matsuzaki, Christiano and Shimakawa do not disclose "both information processing apparatuses located in close proximity to each other and owned by the same user," Applicant believes that claims 9, 11, 14, 17, 19, 21, 24, 25 and 27-31 are patentable over Matsuzaki, Christiano and Shimakawa – taken either alone or in combination – on at least this basis.

Furthermore, since dependent claims inherit the limitations of their base claims, dependent claims 10, 12, 13, 15, 16, 18, 20, 22, 23 and 26 are believed to be patentable over Matsuzaki, Christiano and Shimakawa for at least the same reasons discussed in connection with the independent claims 9, 11, 14, 17, 19, 21, 24, 25 and 27-31.

Applicant submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant(s)

By: 

Bruno Polito
Reg. No. 38,580
(212) 588-0800